

Board's Ruling on Appeal

Appellant(s): Lisa Pecora-Ryan **vz.** **Appellee(s):** City of Acton
representing Learn and Play Preschool Jon Metivier

This matter came before the State Building Code Appeals Board (“Board”) on the Appellant’s appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 7th Edition 780 CMR 1208.2 for 245 Main Street, Acton, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on February 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Discussion

A motion was made to grant the Appellant's request for a variance from 7th Edition 780 CMR 1208.2, and allow a ceiling height of 6'8" vs. the 7'6" as required by section 1208.2. Testimony and hearing submittals indicated existing heights of ceilings and a main floor beam to be lower than the 7'6" requirement. A friendly motion was made to the appellant to ensure that the fire detection for all areas of the building function as one system. There was a second on the motion and a board vote was taken, which was unanimous.

The Appellant's request for a variance from 7th Edition 780 CMR 1208.2 is hereby granted and so ordered² on this date: February 24, 2009.

Brian Gale

William Middlemiss.

Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.